IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13389 of 2004

Between:

Ch. Brahmanandam S/o Mohan Rao
of Idupulapadu Village, R/o Idupulapadu Village Inkollu Mandal, Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Ongole Prakasam District
3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the proceedings in Rc. C-829/2004, dt 15-7-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents to suspend the impugned order passed by the 2nd respondent and to pass such other order or orders as the Court may deem fit in the circumstances of the case.

Counsel for the Petitioner:MRMRAMA NARASIMHULU

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following O R D E R:

The petitioner is holding an authorization in respect of fair price shop No.38 of Idupulapadu Village, Inkollu Mandal, Prakasam District. The Revenue Divisional Officer, Ongole, Prakasam District-the second respondent herein, under the impugned proceedings dated 15-07-2004 suspended the authorization of the petitioner as fair price shop dealer with immediate effect, pending enquiry. It appears that a show-cause notice was also served on the petitioner and the petitioner has submitted his explanation. The petitioner states that aggrieved by the order of suspension dated 15-07-2004, he has already preferred an appeal before the Joint Collector, Prakasam District, Ongole-the first respondent herein, along with an application seeking stay of the impugned order of suspension. The grievance of the petitioner is that the first respondent has not considered his application for stay so far, and in the meanwhile, the petitioner is not allowed to distribute the commodities to the cardholders. Hence, this writ petition challenging the order of suspension dated 15-07-2004.

Since the statutory appeal preferred by the petitioner against the impugned order is pending before the first respondent, I am not inclined to express any opinion on the merits of the case. However, keeping in view the plea of the petitioner that his application filed before the appellate authority seeking stay of the impugned order has not yet been considered, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application for stay and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. There shall be a further direction to the respondents to allow the petitioner to continue as the fair price shop dealer, till the application for stay is disposed of.

The Writ Petition is accordingly disposed of. No order as to costs.

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30th July, 2004.

Note: Furnish CC by 2/8/2004.

(B/O)

Vrn

To

1. The Joint Collector, Prakasam District at Ongole.
2. The Revenue Divisional Officer, Ongole, Prakasam District.
3. The Mandal Revenue Officer, Inkollu Mandal, Prakasam Dt.
4. Two CCs to the Government Pleader for Civil Supplies,

High Court Buildings, A.P., Hyderabad. (OUT).

5. Two CD copies.